

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)

(Polar-orbiting Operational Environmental Satellite (POES) Project Solar Backscatter Ultraviolet Radiometer (SBUV) Instrument Support)

- 1. This document is a justification for other than full and open competition prepared by National Aeronautics and Space Administration's (NASA) Goddard Space Flight Center (GSFC)**

NASA/GSFC proposes to enter into a 4 year follow-on contract with Ball Aerospace and Technologies Corporation (BATC). This document justifies the determination for using other than full and open competition.

- 2. The nature and/or description of the action being approved:**

This action will be a sole source procurement for post-launch technical support of the SBUV instruments currently flying within the National Oceanic and Atmospheric Administration (NOAA) POES Constellation. All SBUV/2 Instruments, which were designed and fabricated by BATC are currently flying on the NOAA Polar-orbiting Operational Environmental Satellite System. These instruments are operational working assets that are required and essential in monitoring the state of the Earth's ozone layer. Currently, there are three (3) operational SBUV Instruments in orbit: two (2) of which are fully operational and the third which is still operational with some degradation of performance. Direct technical support from BATC is required whenever there is an observation, anomaly and investigation required with any of these three (3) operational instruments in order to maintain the operational status of the constellation.

- 3. Description of the supplies or services required, including an estimated value:**

Ball Aerospace & Technologies Corporation (BATC) will provide personnel with the appropriate technical expertise to assist the Government in the analysis and resolution of any on-orbit anomalies which occur on the SBUV Instruments. Included in the personnel will be a Program Manager who will serve as the point of contact and will direct any investigations which may be required. During the course of an anomaly investigation BATC may be required to participate in teleconferences with the SBUV Instrument Manager and other SBUV Subject Matter Experts with heritage of the Program. To aide in any investigations, BATC will continue to maintain a library of proprietary information such as drawings, technical documents, specifications and other SBUV reference material necessary to perform any required investigation, evaluation, and analysis, such as mechanical assembly drawings, circuit diagrams, Systems Engineering Reports and End Item Data Packages. At the completion of any investigation BATC will work with the Government and provide a brief report of their findings, recommendations and go-forward plan.

As the SBUV/2 Instrument is a unique and complex system which was designed, developed, fabricated and tested by BATC; BATC is uniquely qualified to provide the required effort for any anomaly investigations in real time without any learning curve or delay. Due to the

operational nature of the SBUV/2 instrument, real time support may be required during any investigation.

The estimated cost including fee for this effort through FY 2013 is \$2,762,991 including fee. The period of performance will be from March 1, 2010 through February 28, 2014.

4. Statutory authority permitting other than full and open competition:

The statutory authority permitting other than full and open competition is 10 U.S.C. 2304 (c) (1), Only One Responsible Source.

5. A demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited:

BATC is uniquely qualified to perform the system engineering, design, development and is extremely familiar with the technical history for the SBUV/2 Instrument and all of its subsystems, components and parts. BATC designed, built, tested, evaluated performance of and repaired all SBUV/2 Instruments. BATC is the only company that has proprietary detailed design and fabrication drawings, processes and control of the SBUV Instrument. BATC currently provides support to the POES project under contract number NAS5-30355 to correct anomalies and to provide technical expertise with SBUV related inquiries. Therefore, BATC has personnel in place capable and experienced in testing, evaluating and troubleshooting the SBUV instrument.

BATC currently maintains a library of proprietary information such as drawings, technical documents, specifications and other SBUV reference material necessary to perform any required investigation, evaluation, and analysis, such as mechanical assembly drawings, circuit diagrams, Systems Engineering Reports and End Item Data Packages.

It would be difficult for another contractor to assemble a team with the necessary experience and insight required to support the SBUV/2 instrument and to be able to suitably analyze and troubleshoot on-orbit anomalies.

Implementation of a sole source procurement with BATC fully leverages NASA/GSFCs long-term investment in BATCs SBUV instrument. No firm, other than BATC, can provide as in-depth expertise on the POES SBUV instrument. BATCs experience would enable them to perform without a learning curve. No new facilities or new equipment are required in order to accomplish the work.

6. Description of the efforts made to ensure that offers are solicited from as many potential sources as practicable, including whether a notice was or will be publicized as required by Federal Acquisition Regulation (FAR) 5.202:

This requirement was synopsized on October 29, 2009 via the NASA Acquisition Internet Service (NAIS) as required by FAR subpart 5.2. Other contractors were provided the opportunity

to submit their interest and capabilities. The notice was posted on FedBizOpps on October 29, 2009.

7. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable:

In accordance with Federal Acquisition Regulation to determine if the anticipated costs are fair and reasonable, a thorough cost analysis of the vendor's proposal will be performed, in conjunction with field pricing support from the cognizant audit agency. There is ample cost/price data from previous procurements of this type that will allow reliable cost/price comparisons. Further, a comprehensive in-house Government estimate was written by the COTR to assist in assessing fairness and reasonableness.

8. Description of the market research conducted, and the results, or a statement of the reasons market research was not conducted:

Market research was not conducted. The SBUV and its associated support is a developmental requirement. There are no commercially available items that could be used or modified to meet this requirement. For this acquisition, past performance is considered paramount. The Government would unnecessarily incur significant additional cost if another contractor were to perform this effort. BATC has in place the required expertise and experience to simulate any potential anomaly, which would take years for any other contractor to replicate.

9. Other facts supporting the use of other than full and open competition:

The delays in the launch of the European Metop-B satellite, the US NPP satellite and the NPOESS satellites have necessitated extending the operation life of the POES satellites. As there is a federally mandated requirement to continuously monitor that state of the Earth's ozone layer, it is also necessary to extend the operational life of the SBUV instruments. SBUV instruments are highly specialized and require a high level of specialized skill, management, and testing. A new contractor going through the familiarization and validation of associated work could cause a break in reliable assistance in the case of an anomaly occurrence. Since these instruments are relied upon heavily to deliver information that NASA cannot get elsewhere, it is imperative to keep the instruments up and running at all times or to repair and return them to good health quickly and efficiently. A new contractor would not have this capability and therefore could jeopardize the mission.

10. Sources, if any, that expressed an interest, in writing, in the acquisition:

This requirement was synopsisized on October 29, 2009, with a response date of November 13, 2009. To date, no firms have expressed an interest, in writing, in this procurement as a result of the NAIS synopsis.

11. The actions the Agency may take to remove or overcome any barriers to competition before any subsequent acquisition for the supplies or services required:

It is not expected that GSFC can overcome the barriers of competing this SBUV Instrument support procurement. Noncompetitive acquisition of this SBUV Instrument support is an isolated case resulting from the circumstances described above. There is no follow-on effort planned because this procurement will take the mission to the end of its expected life.

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TECHNICAL DIRECTORATE: I certify that the facts presented in this justification are accurate and complete.

Signature

(Date)

CONTRACTING OFFICER: I certify that this justification is accurate and complete to the best of my knowledge and belief.

Signature

(Date)

PROCUREMENT OFFICER:
(CONCURRENCE)

Signature

(Date)

GSFC COMPETITION
ADVOCATE:
(APPROVED)

Signature

(Date)